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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/934,738 | 08/22/2001 | Ingo Molnar | 019322-000340 | 9016 |

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| EXAMINER | |
|---|---|
| CHOUDHURY, AZIZUL Q | |
| ART UNIT | PAPER NUMBER |
| 2445 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 11/24/2009 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/934,738 | MOLNAR, INGO | |
| | Examiner | Art Unit | |
| | AZIZUL CHOUDHURY | 2445 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *7/15/09*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## *Detailed Action*

This office action is in response to the correspondence received on July 15, 2009.

## *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Challenger et al (US Pat No: 6,256,712) in view of Curtis (US Patent No: 6,934,761), hereafter referred to as Challenger and Curtis, respectively.

1. With regards to claims 1, 5, 9 and 11, Challenger teaches through Curtis, in a communication server, a method of responding to a client application, the method comprising the steps of: a cache disposed in an operating system kernel (*Challenger's design uses computer and all current computers/servers inherently require an operating system and all current operating systems inherently require a kernel; see column 5, lines 41-67, Challenger*); receiving from the client application an application protocol request (*A webpage is an http response to an http request because a webpage must be requested by a client. An http request is a protocol and transfer request at the application layer*) corresponding to a

response that can be displayed as a combination of a portion of the response that changes and a part of the response that is static (*Challenger's design allows the webpage (equivalent to the claimed response to request) to contain cached (equivalent to the claimed static) information; see column 2, line 56 – column 3, line 5 and column 13, lines 57-62, Challenger*); creating at the server the portion of the response that changes (*Challenger's design allows the webpage (equivalent to the claimed response to request) to contain newly refreshed content (equivalent to the claimed dynamic portions/portion of the response that changes to the application); see column 2, lines 55-66 and column 13, line 65 – column 14, line 8, Challenger*); sending the portion of the response that changes to the client application (*column 28, lines 46-58, Challenger*) and then retrieving the part of the response that is static from a cache disposed in an operating system kernel (*a kernel is an inherent part of an operating system and a server inherently has an operating system; see column 13, line 57 – column 14, line 22, Challenger. Also see Curtis below*); and sending the part of the response that is static to the client application (*column 28, lines 46-58, Challenger. Challenger discloses a design enabling the updating content within a server so that updated content is submitted to the client. The design allows for current copies of both dynamic (portion that changes to the application) and static data (objects) to be cached within the server (column 2, lines 5-8, Challenger). The cached data (objects) is consistently updated (column 2, lines 54-55, Challenger). When required, the data (objects) (both static and dynamic) are dynamically rebuilt as*

*needed and provided to the client (column 2, line 53 – column 3, line 34, Challenger). Finally, the use of a cache/buffer/registry within an operating system of a computer is inherent*).

*While Challenger teaches a system for a dynamic (portion that changes to the application) and static webpage, Challenger does not explicitly recite a "request" and a "response to a request." In the same field of endeavor, Curtis also teaches a web server design. Within Curtis' disclosure it is taught how a client makes a HTTP request (webpage request) and the server responds to request; see column 2, lines 48-51, Curtis. In particular, the request and response is handled by the cache within the kernel of the server; see column 2, lines 46-51, Curtis. Handling the server requests and responses at the kernel cache level allows for minimum processing resources to be required. Therefore it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Challenger with those of Curtis to handle web server requests and responses at the kernel cache level with minimum processing resources; see column 2, lines 35-36, Curtis.*

2. With regards to claims 2, 6, 10, 13 and 14, Challenger teaches through Curtis the method wherein the cache disposed within the operating system kernel is a protocol object cache (Challenger's design allows for caches (*column 2, lines 5-8, Challenger) (column 5, lines 51-52, Challenger)*).

3. With regards to claims 3, 4, 7, 8 and 12, Challenger teaches through Curtis the method wherein the application protocol request and the reply are formatted according to a hypertext transmission protocol (HTTP) (*Challenger's design allows for HTTPD (Figure 30A, Challenger). Hence, HTTP is supported*).

4. The obviousness statement applied to claims 1, 5, 9 and 11 are applicable to their respective dependent claims.

## ***Response to Arguments***

Applicant's arguments with respect to claims 1-14 have been considered but are not deemed fully persuasive.

The first point of contention addressed by the applicant concerns the claim limitation of "receiving from the client application…application protocol request." The applicant contends that neither prior art teaches such a claim limitation, the examiner respectfully disagrees. A webpage is an http response to an http request because a webpage must be requested by a client. An http request is a protocol and transfer request at the application layer. Challenger teaches a webpage (equivalent to the claimed response to a protocol request) to contain cached (equivalent to the claimed static) information; see column 2, line 56 – column 3, line 5 and column 13, lines 57-62, Challenger. Furthermore, within Curtis' disclosure it is taught how a client makes a HTTP request (webpage request) and the server responds to request; see column 2,

lines 48-51, Curtis. In particular, the request and response is handled by the cache within the kernel of the server; see column 2, lines 46-51, Curtis.

The second point of contention addressed by the applicant concerns the claim limitation of a"response that can be displayed as a combination of a portion of the response that changes and a part of the response that is static." The applicant contends that neither prior art teaches such a claim limitation, the examiner again respectfully disagrees. Challenger discloses a design enabling the updating content within a server so that updated content is submitted to the client. The design allows for current copies of both dynamic (portion that changes to the application) and static data (objects) to be cached within the server (column 2, lines 5-8, Challenger). The cached data (objects) is consistently updated (column 2, lines 54-55, Challenger). When required, the data (objects) (both static and dynamic) are dynamically rebuilt as needed and provided to the client (column 2, line 53 – column 3, line 34, Challenger

Finally the applicant contends that neither prior art teaches the claim limitation of "*retrieving the part of the response that is static from a cache disposed in an operating system kernel*". The examiner respectfully disagrees with this assertion. Curtis teaches that the request and response is handled by the cache within the kernel of the server; see column 2, lines 46-51, Curtis.

## ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AZIZUL CHOUDHURY whose telephone number is (571)272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. C./
Examiner, Art Unit 2445

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445